

ORDINANCE NO. 7,370–N.S.

ENACTING CHAPTER 23E.98 OF THE BERKELEY ZONING ORDINANCE, CIVIC CENTER DISTRICT OVERLAY

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 23E.98 is enacted to read as follows:

Chapter 23E.98

CIVIC CENTER DISTRICT OVERLAY

23E.98.010 Applicability of Regulations

23E.98.020 Purposes

23E.98.030 Uses Permitted

23E.98.040 Development Standards

23E.98.050 Definitions

23E.98.010 Applicability of Regulations

The regulations in this Chapter apply to the area coterminous with the Civic Center Historic District designated under Chapter 3.24 and are applicable to the following parcels:

1. APN 057 201701601 (Old City Hall/Courthouse/Public Safety Building)
2. APN 057 202202000 (Veterans Memorial Building)
3. APN 057 202200600 (State Farm Insurance Building/City offices, 1947 Center Street)
4. APN 057 202100200 (Civic Center Park)
5. APN 057 202100100 (Civic Center Building)
6. APN 057 202601500 (Downtown Berkeley YMCA)
7. Portion of APN 057 202000503 which contains the Berkeley Community Theater/Florence Schwimley Little Theater
8. APN 057 202000400 (Berkeley High School)
9. APN 057 202700500 (Berkeley Main Post Office)

Section 23E.98.020 Purposes

The general purpose of the overlay district is to implement General Plan Policy LU-22 Civic Center: “ Maintain the Civic Center as a cohesively designed, well-maintained, and secure place for community activities, cultural and educational uses, and essential civic functions and facilities”, as well as Downtown Area Plan Policy LU-1.4:

“Focus City government and civic activity in the Civic Center area, and recognize Downtown’s central role in providing community services.”

The specific purposes are to:

- A. Preserve and protect the integrity of the City of Berkeley Historic Civic Center through preservation of existing buildings and open space listed in the Civic Center Historic District.
- B. Allow a set of uses, which are civic in nature, and support active community use.
- C. Promote uses, which combined or individually will maintain public access to the historic buildings and resources.
- D. Promote appropriate uses which respect the Civic Center’s historic significance in unifying the community and forming a link to Berkeley’s past.
- E. Promote the cultural and architectural heritage of the Civic Center.
- F. Preserve the Civic Center District as a place for government functions, community activities, cultural and educational uses, and civic functions and facilities.
- G. Promote uses which could financially support the goal of upgrading and preserving the existing historic buildings and resources.

Section 23E.98.030 Uses Permitted

The following table identifies all permitted uses and sets forth the Permit required for each allowed use. Each use and structure shall be subject to either a Zoning Certificate (ZC), an Administrative Use Permit (AUP), a Use Permit approved after a Public Hearing (UP/PH). All properties in the Civic Center District Overlay are restricted to only those uses listed below, regardless of uses permitted in the underlying zoning district.

| Use and Required Permits | | |
|--|----------------|-------------------------------|
| Use | Classification | Special Requirements (if any) |
| Libraries | UP(PH) | |
| Judicial Courts | AUP | |
| Museums | UP(PH) | |
| Parks and Playgrounds | ZC | |
| Public Safety and Emergency Services | UP(PH) | |
| Government Agencies and Institutions | AUP | |
| Public Schools/Educational Facilities | UP(PH) | |
| Non-Profit Cultural, Arts, Environmental, Community Service and Historical Organizations | UP(PH) | |
| Live Performance Theatre | UP(PH) | |
| Public Market | UP (PH) | |

Section 23E.98.040 Development Standards

A. All new buildings and additional Gross Floor Area within the Civic Center District Overlay shall be subject to a maximum building height of 50 feet.

B. All new buildings, additional Gross Floor Area, or changes of use shall be subject to the parking, set back requirements and other development standards of the underlying District, in addition to the other applicable requirements of this Title.

Section 23E.98.050 Definitions

The following definitions are applicable only in the Civic Center District Overlay:

Live Performance Theatre: An establishment that has a permanent stage for the presentation of live performances and entertainment and which contains an audience viewing hall or room with fixed seats.

Museum: A non-profit, permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment.

Public Market: An open air or enclosed marketplace, including a farmer’s market, with multiple owner operated and/or independent merchants selling retail food items and handcrafted goods from local and regional producers, so long as 75% or more of retail space is devoted to the sale of General or Specialized food products and no more than 25% of retail space is devoted to one or more of the following Incidental Uses: owner operated and/or independent Carry Out Food and/or Quick Service Restaurants selling food from local and regional producers and sales of Retail Products from local and regional produce

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on September 9, 2014 this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

Absent: None.

